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Chapter: **General Facility Operations**

Classification: **Public Document**

Subject: **Communication**

For: **All Custody**

  
Authorized by the Executive Director

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## Policy

- 1 The superintendent/youth custody manager is responsible to ensure an individual in custody is provided access to
  - (a) mail and written correspondence
  - (b) telephone, video, and electronic communication
  - (c) visitation, including video visitation
- 2 The superintendent/youth custody manager may monitor and restrict communication privileges of an individual (see Policy and Procedures, Subject No. 37.15.00, [Communication Monitoring](#)).

## Privileged Communication

- 3 Privileged communication includes communication made to or by an individual that is considered confidential and is excluded from monitoring procedures. As identified in Section 56 of the *Correctional Services Act* (CSA) and Section 61 of the *Correctional Services Regulations*, this includes an individual's written correspondence with the following
  - (a) a lawyer
  - (b) the Office of the Ombudsman
  - (c) the Human Rights Commission
  - (d) the Legislative Assembly of Nova Scotia
  - (e) the Parliament of Canada
  - (f) the Deputy Minister of the Department of Justice
  - (g) the Executive Director or Director of the Correctional Services Division
  - (h) an inspector designated under the CSA
  - (i) the Nova Scotia Police Complaints Commissioner
  - (j) the Nova Scotia Civilian Director of the Serious Incident Response Team
- 4 As identified in Section 55 of the *Correctional Services Act* and Section 59 of the

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*Correctional Services Regulations*, privileged communication, which is excluded from monitoring procedures, includes an individual's telephone, video, and electronic communication with the following

- (a) a lawyer
- (b) a representative of the Office of the Ombudsman
- (c) a representative of the Human Rights Commission
- (d) the Nova Scotia Police Complaints Commissioner
- (e) the Nova Scotia Civilian Director of the Serious Incident Response Team

## Mail

- 5 Mail identified as privileged and/or confidential will be forwarded unopened.
- 6 If the superintendent or the youth custody manager believes mail identified as privileged poses a security risk, they may
  - (a) withhold the mail until it can be confirmed as privileged
  - (b) direct correctional staff to open and inspect the letter in the presence of recipient and witness
- 7 At adult facilities all mail will be scanned using a narcotics detector or Ion Mobility Spectrometry, commonly known as an Ion Scanner, as follows
  - (a) a swab will be taken of the envelope or package
  - (b) the swab will be inserted into the Ion Scanner
  - (c) if a negative result occurs, process mail as per policy
  - (d) if a positive result occurs
    - i. place mail in a sealed bag
    - ii. mail given to security risk management or supervisor for further investigation, which may include liaison with the police
- 8 Outgoing and incoming mail that is not identified as privileged will be reviewed by designated correctional staff to ensure the correspondence does not

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- (a) jeopardize the security of the facility, or persons
- (b) contain threats
- (c) include content intended to conspire or commit further offence(s)
- (d) contain contraband
- (e) pose a risk to public safety

### **Telephone Communication**

- 9 The superintendent/youth custody manager will ensure standard operating procedures (SOP) are developed to identify individuals in custody telephone communication, and will include
- (a) an opportunity to contact family via a phone call upon admission
  - (b) procedure for those in custody to access the telephone system
  - (c) frequency and duration of phone calls
  - (d) telephone use documentation/record
- 10 Individuals transferred from the facility in their home community to another provincial facility will be provided one 5 minute and one 10-minute free phone call per week.
- (a) At adult facilities Correctional Case Workers will be responsible for identifying individuals eligible for these phone calls.
    - i. At the youth centre the programmer or officer in charge will be responsible.
  - (b) Home community will be defined as the address the individual provided upon admission or as approved by management.
  - (c) SOP will be developed to outline the process for ensuring individuals phone accounts are updated as required.

### **Electronic Communication**

- 11 The superintendent/youth custody manager will ensure standard operating procedures (SOP) are developed regarding individuals in custody the use of electronic communication devices, including tablets, where available, and will include

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- (a) procedure to access tablets in each dayroom, including
  - i. sign out process
  - ii. tablet sign-in details regarding protection of individual tablet access information, i.e. Personal Identification Number (PIN)
  - iii. staff to ensure tablets returned in good working order and placed on the charging stations for overnight charging and software update
- (b) frequency and duration of tablet usage
- (c) tablet use documentation/record

### **Referral to Police**

- 12 Where communication contains information of criminal activity, the information will be forwarded to the police by designated correctional staff.
- 13 Where information is forwarded to the police, a written report will be submitted to the superintendent.

### **Restriction on Communication**

- 14 The superintendent/youth custody manager will ensure that individuals in custody are not permitted communication with
  - (a) individuals incarcerated at other provincial or federal correctional facilities, unless there is an established family relationship
  - (b) persons named on an individual's probation order with conditions of no contact
  - (c) persons who request not to be contacted by the individual
  - (d) persons named on court orders for remand and similar orders that restrict communications

### **Standard Operating Procedure**

- 15 The superintendent or the youth custody manager will develop SOP to identify the
  - (a) staff designated to

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- i. review outgoing and incoming written communication not identified as privileged
  - ii. review outgoing and incoming electronic communication not identified as privileged
  - iii. open and inspect privileged written communication
  - iv. forward information regarding criminal activity to police
- (b) process for forwarding information to police regarding communication as identified under heading *Electronic Communication*
- (c) procedures for withholding mail to be confirmed as privileged